

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In Re:)	
)	Chapter 7
DIAMONDHEAD CASINO)	
CORPORATION,)	C. A. No. 24-11354-JKS
)	
ALLEGED DEBTOR.)	Hearing Date: September 15, 2025
)	Objection Deadline: September 12, 2026

**DEBTOR’S REPLY TO MOTION OF GEORGE L. MILLER, CHAPTER 7 TRUSTEE,
TO COMPEL TURNOVER OF ESTATE PROPERTY AND
DEBTOR’S REPLY TO MOTION FOR ENTRY OF AN ORDER SHORTENING
NOTICE AND EXPEDITING HEARING ON MOTION OF GEORGE L. MILLER,
CHAPTER 7 TURSTEE, TO COMPEL TURNOVER OF ESTATE PROPERTY**

The Debtor, Diamondhead Casino Corporation, by counsel, in response to the Motion of George L. Miller, Chapter 7 Trustee, to Compel Turnover of Estate Property and, in response to the Motion for Entry of an Order Shortening Notice and Expediting Hearing on Motion of Motion of George L. Miller, Chapter 7 Trustee, to Compel Turnover of Estate Property, states as follows:

1. The books and Records of the Debtor are all in one location, *ie.*, the offices of the President of Debtor located in Washington D.C.

2. Debtor has no objection to Trustee’s request for a turnover of the Company’s books and records. Debtor has agreed to do so and the only impediment to an agreement is the time for the pickup to take place. Any day, except Wednesdays, beginning the 26th of September is acceptable to the President of Debtor.

3. For the record, it is important to note that subsequent to the Court’s order of July 30 and July 31, 2025, Debtor and Deborah Vitale, the President of Debtor have had several

communications regarding the Debtor's Books and Records. In none of those conversations has Ms. Vitale refused to turn over the records of the Company.

4. Contrary to the claim made in the Trustee's motion, there was never a request On August 4, 2025 for a turnover of Debtor's Books and Records. In fact, the Trustee's first contact was with counsel for the Debtor on August 5, via email and there was no request for Debtor's Books and Records at that time.

5. On August 21, 2025, at a status hearing, counsel for the Trustee, informed this Court that the Debtor had repeatedly failed to turn over documents requested in a letter dated August 15, 2025.

6. The President of the Company has repeatedly requested a copy of this letter. To date, she has received no such letter.

7. Trustee also contends in his motion as follows:

As of the date hereof [September 4, 2025], the Trustee lacks key information needed to fulfill his duties to administer the Debtor's estate, including information on the status of **payment of taxes and insurance premiums.**" (Emphasis added.)(D.I. 90, at pp.2-3, ¶8).

8. However, *three days earlier*, on September 1, 2025, via email, the President of the Company informed the Trustee and counsel for the Trustee that there are no insurance policies other than the property insurance policy for the office which she owns.

9. Moreover, on September 3, 2025, at the Hearing held in this court on various motions, counsel for the Trustee again asked about insurance. The President *again* informed counsel for the Trustee that there were no insurance policies other than the policy on her office building. Also, at that same Hearing, counsel for the Trustee asked about property taxes. Ms. Vitale informed him they were about \$60,000 per annum, payable in arrears, and she would send him the information the next day, which she did.

For the foregoing reasons, the undersigned respectfully requests that the Court deny the motion as written and that any order it enters provide that the transfer of the books and Records occur on or after September 26, 2025.

Dated: September 12, 2025

BIGGS & BATTAGLIA

/s/ Robert D. Goldberg

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, via CM/ECF, this 12th day of September 2025, on the following:

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/s/ Robert Goldberg
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